

and the borehole are flush with one of the plurality of rounded edges or one of the plurality of concave side surfaces.

12. (Amended) The device of claim 1, wherein the spring wire has a width of 2 mm.

Please add the following new claims:

21. (New) The device of claim 1, wherein the groove and the borehole are flush with one of the plurality of rounded edges.

22. (New) The method of claim 13, wherein the groove and the borehole are flush with one of the plurality of rounded edges.

#### REMARKS

Claims 1-5, 7-10, 12-14, 16-19, and 21-22, including amended claims 1 and 12, and new claims 21-22, appear in this application for the Examiner's review and consideration. A marked up version of the amended claims, showing insertions and deletions, is attached as Appendix A. A clean version of the pending claims is attached as Exhibit B. No new matter has been entered by these amendments.

#### Claim Rejections- 35 U.S.C. § 112

The Examiner rejected claims 7, 12, and 16 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In response, claim 1 has been amended to be consistent with dependent claims 7 and 16, and claims 21 and 22 are newly submitted. New claims 21 and 22 are the same as previously canceled claims 6 and 15, respectively.

Claim 12 has also been amended to depend from claim 1. In light of these claim amendments, Applicants respectfully submit that the indefiniteness rejection has been overcome.

Conclusion

In view of the foregoing, it is believed that all rejections have been overcome and should be withdrawn. Thus, all current claims are submitted to be in condition for allowance, early notice of which would be appreciated. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and accelerate the eventual allowance of the claims.

No fee is believed to be due for this submission. Should any fees be required, however, please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Date December 11, 2002

Respectfully submitted,

  
For: Brian M. Poissant

Brian J. Malm	44,895
For Brian M. Poissant	28,462

**PENNIE & EDMONDS LLP**  
1667 K Street, N.W.  
Washington, DC 20006

Enclosure

(202) 496-4400

**Appendix A**  
**Marked Up Version of Amended Claims**

1. (Amended) A device for securing a screw comprising:  
a longitudinal shank having a central axis and rear and front ends;  
a spindle, located at the front end of the longitudinal shank and concentric to  
the central axis, having front and rear ends, a substantially polygonal-shaped cross-section  
with a plurality of rounded edges and a plurality of concave side surfaces, a groove  
substantially parallel to the central axis, and a borehole coextensive with the groove; and  
a spring wire having top and bottom ends, with the bottom end inserted into  
the borehole and the top end inserted into the groove,  
wherein the spring wire projects transversely to the central axis across the  
cross-section when unstressed, the spindle is received into a screwhead aperture of the screw,  
and the screw is secured into position upon stress to the spring wire, and wherein the groove  
and the borehole are flush with one of the plurality of rounded edges or one of the plurality of  
concave side surfaces.

12. (Amended) The device of claim 1[1], wherein the spring wire has a  
width of 2 mm.

**Appendix B**  
**Clean Version of Pending Claims**

1. (Amended) A device for securing a screw comprising:  
a longitudinal shank having a central axis and rear and front ends;  
a spindle, located at the front end of the longitudinal shank and concentric to the central axis, having front and rear ends, a substantially polygonal-shaped cross-section with a plurality of rounded edges and a plurality of concave side surfaces, a groove substantially parallel to the central axis, and a borehole coextensive with the groove; and  
a spring wire having top and bottom ends, with the bottom end inserted into the borehole and the top end inserted into the groove,  
wherein the spring wire projects transversely to the central axis across the cross-section when unstressed, the spindle is received into a screwhead aperture of the screw, and the screw is secured into position upon stress to the spring wire, and wherein the groove and the borehole are flush with one of the plurality of rounded edges or one of the plurality of concave side surfaces.
2. The device of claim 1, wherein the rear end of the longitudinal shank is configured and dimensioned to be received into a motor-driven screwdriver.
3. The device of claim 1, wherein the rear end of the longitudinal shank is configured and dimensioned to be received by a screwdriver.
4. The device of claim 1, wherein the shank has a first diameter and the spindle has a second diameter less than the first diameter.
5. The device of claim 1, wherein the spindle has a hexagonal shape.
7. The device of claim 1, wherein the groove and the borehole are flush with one of the plurality of concave side surfaces.

8. The device of claim 1, wherein the spring wire is bendable substantially perpendicular to the central axis.

9. The device of claim 1, wherein the top end of the spring wire is fixed in the groove.

10. The device of claim 9, wherein the top end of the spring wire is bonded, soldered, or clamped into the groove.

12. (Amended) The device of claim 1, wherein the spring wire has a width of 2 mm.

13. A method of securing a screw while implanting into a body comprising:

providing a screw having an aperture in a screwhead;  
providing the device of claim 1; and  
inserting the spindle into the aperture resulting in stress to the spring wire, wherein upon application of the stress, the spring wire holds the screw in a steady position.

14. The method of claim 13, wherein the screw is a bone or pedicle screw.

16. The method of claim 13, wherein the groove and the borehole are flush with one of the plurality of concave side surfaces.

17. The method of claim 13, wherein the spring wire is bendable substantially perpendicular to the central axis.

18. The method of claim 13, wherein the top end of the spring wire is fixed in the groove.

19. The method of claim 18, wherein the top end of the spring wire is bonded, soldered, or clamped into the groove.

21. (New) The device of claim 1, wherein the groove and the borehole are flush with one of the plurality of rounded edges.

22. (New) The method of claim 13, wherein the groove and the borehole are flush with one of the plurality of rounded edges.